COBB JURY CHARGED TO INVESTIGATE LYNCHING

Numerous Witnesses Are Sub-poenaed in Connection With the Probe

MARIETTA, Ga., Sept. 1.—The Cobb County Grand Jury met in Special Session this morning and heard a Charge by Judge H.L. Patterson of the Blue Ridge Circuit, who directed that an Investigation be made into “the recent Lynching in this County.”

Judge Patterson made no use of the name of Leo M. Frank in his Charge.

From the Sheriff's Office, the Information is given that thirty-five Witnesses have been subpoenaed in connection with the Frank Lynching, and that others will be summoned during the day.

Among the Witnesses summoned for the Grand Jury are O.B. Keeler, Reporter for an Atlanta Paper, who lives in Marietta. He will be required to tell how he came in possession of Frank's wedding ring, which he says was mysteriously delivered to him with a request from Frank to see that it was returned to Mrs. Frank.

W.E. Swanson, Sheriff of Cobb County, G.M. Hicks, the Deputy who took charge of Frank's body immediately after it was found, Mayor E.P. Dobbs, and H.L. Looney, Chief of Police of Marietta, are among the Witnesses summoned. They will go before the Grand Jury this afternoon.

Subpoenas have been issued for T.E. Patterson, R.E. Davidson and E.L. Rainey, the State Prison Commission, who were sleeping at the Prison Farm the night Frank was taken away. They were expected this morning but had not arrived here at midday. Josiah Carter, Editor of the Marietta Journal, and N.B. White, City Police, and J.B. Wing, County Commissioner, also have been summoned.

Shortly after the Grand Jury went into Executive Session, it became known that Subpoenas had been sent out for W.M. Mayo, Chief of Police of Atlanta, and John Black, of the Atlanta Detective Department, and they have responded to the Summons. They will go before the Grand Jury this afternoon.

NOT A SPECIAL JURY.

The general presumption has been that the special Term of Court was called on account of the Lynching, but it was emphasized in Judge Patterson's Charge that this is not true, but the Term was called because of Cases congesting the Jail, and the murder of a Negro in the County the day following Adjournment of the regular July Term. Especial emphasis was laid on the Fact that the Grand Jury is not one especially drawn for consideration of the Lynching, but that its Members were regularly drawn for Service at the July Term, and they have simply been reassembled because occasion demanded it.

Of the original Grand Jury three Members were excused, two of them for Business Reasons and W.J. Frey, on whose property the body of Leo M. Frank was found, because of the Fact that he was a Witness before the Coroner's Jury, and as stated by Judge Patterson, because of the use of his name in the several Publications in connection "with the recent incident in the County."

Among the three names drawn to supply the three vacancies was that of Pierre Chambless, a native of France, who came here some time ago from Philadelphia. R.H. Hill, President of the Merchants and Farmers Bank, was selected Foreman.

Prior to delivering his Charge to the Jury, Judge Patterson delivered a lecture to the Bailiff especially assigned to the Jury, F.G. Wardlaw, directing that he be "especially cautious in the Care of any Papers or Documents entrusted to your Care. Any matter delivered to you for transmission to the Grand Jury should have your protection."

JUDGE PATTERSON'S CHARGE.

In charging the Jury, Judge Patterson said:

“You, Gentlemen, are Members of the regularly drawn Grand Jury of Cobb County, selected for your uprightness and integrity. When I adjourned the July Term of Court, I told you Gentlemen that I would call you together again at any time during the interval between the regular Terms of Court should any exceptional Reason arise to demand your attention.”

“I want to say at this point that you are not a special Grand Jury drawn by the Judge of the Blue Ridge Circuit, as has been stated, but you are the regularly Organized Grand Jury of Cobb County. Not only in this, but in a great deal that has been said recently in the Press, the Facts have been deviated from, and I want to strongly assert that the press generally has done Cobb County a great Injustice. It appears that in a great deal of the matter that has been published some Newspaper Correspondents have seemingly gotten just as far away from the Truth as they could, and the Result has been that Cobb County has been made to suffer for it.”

“This County needs no ‘specially selected Grand Jury’ now, nor has it ever needed one. Men selected as Grand Jurors of this County have always done their Duty. You Gentlemen have done yours. The Jury Commissioners have done their Duty in selecting you as men who may be counted on to do your Duty.”

DUTY TO INVESTIGATE.

“I have been informed that murder was committed here in the County the day after the July Term of Court was adjourned. Of that I do not know, but the Information has come to me. It has been published Broadcast over the world that a Lynching has recently occurred in Cobb County. It is your Duty to make a thorough and complete Investigation of that as it is of all Charges of Crime when brought to your attention. Your Oaths bind you to honestly, fairly and impartially make an Investigation of it, but it

is not your Duty to assume the Role of Secret Service Men; the Role of Detectives."

"You were not selected in the Capacity of Private Detectives, but as Grand Jurors of your County, and your work is that of Grand Jurors and not the work of Secret Service Men. And yet, it is your Duty to do what you can to ferret out any Crime alleged to have been committed within your County; to do it fairly, fearlessly and without hope of Reward or the reverse."

"Now, Gentlemen, you may take your time in the consideration and Investigation of this Case, and the other matters that are before you, and the Court shall await you. When you have done all you can do and your Investigation is as complete as you can make it, you will report to me and I will be ready to discharge you for the Term, unless something should arise in the meantime which may need your attention."

"Before you retire, I want to Caution you, Gentlemen, about what transpires in the Grand Jury Room. At times, there is a great deal of comment on the outside about those things, a great deal is said about the things that are done or being done within the Grand Jury Room. In this respect, there has been mighty little Complaint in Cobb County, but I want to Caution you that your Oaths require you to keep your Counsel and that of your State Secret; you are not to discuss on the outside anything that is done within your Room, and that you Gentlemen must keep Secret."

"Now, Gentlemen, you will retire and enter upon the Discharge of your duties. It is your Duty to investigate any matters given you in charge by the Court or, which may be brought to your attention by the Court or its Officers after you have taken your Oath, and upon these matters you shall make true Presentments according to the Findings growing out of your

Investigation; these Presentments shall be according to the Direction of your conscience, fair and unbiased, without the Hope of Reward, without favor to anybody and without fear. Retire, Gentlemen.”

The Investigation of the Case by the Grand Jury will not be taken up until this afternoon, and will undoubtedly extend pretty well through tomorrow. There is a possibility at this time that the Grand Jury will make its report Friday afternoon.